

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00515-MOC

STEVE O'SHEA MONROE,)	
)	
Petitioner,)	
)	
Vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

THIS MATTER is before the court on the court's own Motion to Dismiss. On October 26, 2015, the court determined after initial screening that petitioner had failed to sign his petition under penalty of perjury. The court instructed petitioner as to how such error could be cured and allowed petitioner 30 days within which to correct that error; despite the passage of 90 days, petitioner has neither corrected the error nor sought additional time within which to do so. It appearing that the petition has not been signed under penalty of perjury or verified, the petition will be dismissed without prejudice for failure to comply with Rule 2(b)(5), Rules Governing § 2255 Proceedings

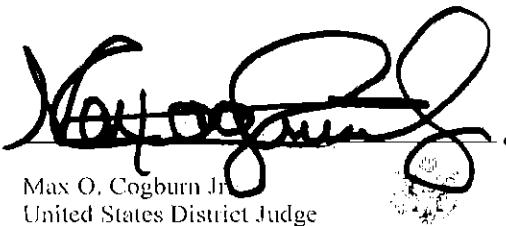
ORDER

IT IS, THEREFORE, ORDERED that the petitioner is DISMISSED without prejudice in accordance with Rule 2(b)(5), Rules Governing § 2255 Proceedings.

Denial of Certificate

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller El v. Cockrell, 537 U.S. 322, 336 38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484–85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

Signed: January 27, 2016



Max O. Cogburn Jr.
United States District Judge